

City Council Introduction:

Bill Number 13R-114

Public Hearing:

## FACT SHEET

**TITLE:** Proposed Revisions to the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS)

**SPONSOR:** Health Department

**OPPONENTS:** None known.

**STAFF RECOMMENDATION:** For

**OTHER DEPARTMENTS AFFECTED:**  
None known.

**APPLICANT:** Health Department

### **REASON FOR LEGISLATION:**

The Health Department operates a Federally delegated Air Quality Program, administrating Federal requirements at the local level. Regular update of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards is necessary to maintain consistency with Federal and State regulations. All proposals are reviewed by the Air Pollution Control Advisory Board and the Board of Health prior to coming before the City Council and County Board for action. The Health Department is proposing to:

- Revise and correct references.
- Clarify Health Director's authority to revoke variances issued by the Health Department Air Quality Program.
- Revise fee assessment mechanism for sources submitting emission inventories after April 10 due date.
- Add and revise definitions.
- Update regulations pertaining to emergency and non-emergency electric generators, and remove extraneous language.
- Update already adopted federal regulations, and adopt additional federal regulations.
- Remove obsolete regulatory requirements.

## DISCUSSION

1. Article 1, Section 4 provides an appeal procedure. One change is proposed to correct a reference to State Statute.
2. Article 1, Section 5 gives the Health Director authority to issue a variance from rules or regulations, and to deny a variance if emissions or discharges proposed to occur under the variance would tend to endanger human health or safety. However, the authority of the Health Director to modify, suspend, or revoke an already-issued variance is unclear. The Department proposes to clarify that the Health Director may modify, suspend, or revoke a variance.

3. Article 1, Section 6, paragraph (A) establishes the provisions for assessing annual emission fees to regulated sources. Paragraph (A)(4) of this section requires that sources submitting their emission inventories after the due date pay emission fees based on their potential to emit. In many cases, this would result in emission fees that are several thousand dollars in excess of what would normally be assessed. The Department believes that this is excessively punitive, and proposes to establish a more reasonable system for dealing with late submittals.
4. Article 2, Section 1 establishes definitions for terms. The Department proposes the addition and revision of definitions to provide greater clarity and also to incorporate changes prompted by federal rulemaking.
5. Article 2, Section 4 establishes Ambient Air Quality Standards. Changes are proposed to assure consistency with State and Federal regulations.
6. Article 2, Section 17, paragraphs (P) and (O) establishes the conditions under which a source must obtain a construction permit from the Department. Changes are proposed to remove unnecessary language.
7. Article 2, Sections 18 and 28 incorporate and reference several federal regulations. The Department proposes to update the dates of publication referenced in those sections to July 1, 2012, which effectively incorporates any revisions made prior to that date. Changes are proposed to incorporate federal regulations by reference.
8. Article 2, Section 19 addresses prevention of significant deterioration of air quality. Changes are proposed to assure consistency with State and Federal regulations.
9. Article 2, Section 30 is proposed to be changed to clarify when a construction permit fee is required.
10. Article 2, Section 31 established a one-time emission fee for 1994. This requirement can be removed as it no longer applies.
11. Article 2, Section 38 addresses emergency episodes. Changes are proposed to simplify and clarify this section.
12. Appendix I establishes the procedures to be taken by the Department in the case of air quality episodes. The Department proposes minor changes to make the language consistent with state regulations.
13. Appendices II and III establish what pollutants are considered 'hazardous air pollutants', and reporting levels for each pollutant. The Department proposes to make the content and organization consistent with state regulations.

**POLICY OR PROGRAM CHANGE:** ..... Yes

**COST OF TOTAL PROJECT:** .....\$0.00

**SOURCE OF FUNDS:** .....N/A – This work is fully fee funded.

**CITY:**

**NON CITY:**

**BENEFIT COST:**

**FACT SHEET PREPARED BY:** ..... Scott E. Holmes & Air Quality Program Staff

**REVIEWED BY:**..... Health Director